



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

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SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on legislation related to gun control and gun violence.

Pursuit of County Position

SB 1235 (De León), as amended on May 17, 2016, would create a new regulatory framework for the sale and purchase of ammunition in California.

Existing law prohibits certain individuals from possessing ammunition, including persons under 18 years of age, except in limited cases; and any person who is legally prohibited from possessing a firearm, such as an individual convicted of a felony and/or that is addicted to the use of any narcotic drug. Current law provides that supplying, selling or delivering ammunition to someone that is prohibited from possessing ammunition is generally a misdemeanor punishable by up to one year in county jail. In addition, under existing law, vendors of ammunition must comply with certain conditions, requirements and prohibitions, with limited exceptions, including not selling or transferring ownership of any ammunition without, at the time of delivery, recording specified transaction information. This transaction record must include the following key information from the purchaser or transferee: a driver's license or ID number, address and telephone number, date of birth, signature, and right thumbprint.

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SB 1235 would create new requirements for the sale and purchase of ammunition. As it relates to the sale of ammunition, this measure would: 1) beginning on January 1, 2018, provide that only a licensed vendor may sell ammunition; 2) authorize the California Department of Justice (DOJ) to accept applications for ammunition vendor licenses starting on July 1, 2017; and 3) create an application process for ammunition vendors. Related to the purchase of ammunition, this measure would require the DOJ to: 1) electronically approve the purchase or transfer of ammunition through a vendor; 2) deny the transaction if a purchaser's or transferee's information does not match the DOJ Automated Firearms System, which connects firearms with owners and identifies lost or stolen firearms; and 3) deny the transaction if the DOJ determines the purchaser or transferee falls within a class of persons who are prohibited from owning or possessing ammunition by cross-referencing the Prohibited Armed Persons file. SB 1235 also would require: 1) that the sale, delivery, or transfer of ammunition only occur in face-to-face transactions; and 2) create a new system to collect information about ammunition sales. The measure's provisions would not be applicable to specified individuals, including firearms dealers; individuals on the centralized list of Federal firearms licensees; gunsmiths, ammunition vendors, manufacturers, or importers; sworn peace officers; various hunting and shooting clubs, among others.

This office supports SB 1235. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation to require an individual to obtain an ammunition purchase permit or authorization prior to the purchase of any type of ammunition, **the Sacramento advocates will support SB 1235.**

SB 1235 is supported by the California Chapters of the Brady Campaign to Prevent Gun Violence and Law Center to Prevent Gun Violence. It is opposed by the Firearms Policy Coalition and Gun Owners of California.

This measure is scheduled to be heard by the Assembly Public Safety Committee on June 14, 2016.

Legislation of County Interest

The Legislature is currently considering various measures related to gun control and gun violence, including the legislation of County interest reported below.

Waiting Period

Existing law, with specified exceptions, prohibits an individual from making more than one application to purchase a handgun within any 30-day period; and prohibits a firearms dealer from delivering a handgun to a person if notified by the Department of Justice that within the preceding 30-day period, the purchaser applied for a handgun purchase.

AB 1674 (Santiago), which as amended on May 31, 2016, would extend the 30-day prohibition and dealer delivery prohibition, as currently defined by existing law, to all types of firearms, not just handguns. This measure would additionally remove current provisions which exempt from the 30-day prohibition private party transactions where neither party is a firearms dealer if the transaction is completed through a dealer. This measure is scheduled to be heard by the Senate Public Safety Committee on June 14, 2016.

Gun Theft

Existing law, pursuant to Proposition 47 of 2014, provides that the theft of property valued at \$950 or less is a crime punishable as a misdemeanor, with certain exceptions.

AB 1176 (Cooper), which as amended on May 4, 2016, and **AB 1869 (Melendez)**, which as introduced on February 10, 2016, would, if approved by voters, amend Proposition 47 to make the theft of a firearm grand theft in all cases and punishable by imprisonment in State prison for 16 months, or two to three years. Both measures would call for a special election to be consolidated with the November 8, 2016, statewide general election.

AB 1176 is currently in the Assembly pending concurrence of Senate amendments. AB 1869 passed the Assembly Floor by a vote of 79 to 0 on May 31, 2016, and it now proceeds to the Senate.

Assault Weapons

Existing law defines an assault weapon as a semiautomatic, a centerfire rifle, or a semiautomatic pistol that has the capacity to accept a detachable magazine. The law also prohibits the possession, sale, or transfer of assault weapons, except for specified individuals; and requires that individuals possessing a firearm unlawfully be punished as a felony or for a period not to exceed one year in a county jail.

AB 1664 (Levine), which as amended on May 31, 2016, and **SB 880 (Hall)**, which as amended on May 17, 2016, would expand the definition of an assault weapon to include firearms with detachable magazines that include an ammunition-feeding device that can be readily removed from the firearm with the use of a tool. Both measures would require that those lawfully possessing these redefined assault weapons between January 1, 2001 through December 31, 2016, register the weapons with the DOJ by July 1, 2018.

AB 1664 is scheduled to be heard by the Senate Public Safety Committee on June 14, 2016. SB 880 is scheduled to be heard by the Assembly Public Safety Committee on June 14, 2016.

Ammunition Regulation

Existing law defines a large-capacity magazine as any ammunition-feeding device with the capacity to accept more than 10 rounds.

SB 1446 (Hancock), which as amended on March 28, 2016, would: 1) prohibit a person from possessing any large-capacity magazine, regardless of the date the magazine was acquired; and 2) require that persons in possession of such magazines dispose of them by July 1, 2017. This measure is scheduled to be heard by the Assembly Public Safety Committee on June 14, 2016.

Gun Storage and Reporting

Existing law provides for the appropriate securing of firearms within a residence, and law enforcement agencies are required to submit descriptions of property, including firearms, which have been reported stolen, lost, or found directly into the appropriate DOJ automated property system.

AB 1695 (Bonta), which as amended on May 31, 2016, would make falsely reporting that a firearm has been stolen or lost to a local law enforcement agency a misdemeanor. This bill would additionally prohibit a person convicted of violating this provision from owning a firearm within 10 years following a conviction. This measure is scheduled to be heard by the Senate Public Safety Committee on June 14, 2016.

AB 1999 (Achadjian), which as amended on March 15, 2016, requires the DOJ to complete an initial review of a match in the Armed Prohibited Persons System (APPS) within seven days of the match being placed in the queue, and periodically reassess whether the Department can complete reviews of APPS matches more efficiently. This measure is scheduled to be heard by the Senate Public Safety Committee on June 14, 2016.

SB 869 (Hill), which as introduced on May 18, 2016, would require an individual who leaves a handgun in a vehicle to secure it in the trunk or in a lockbox, out of plain view. A violation of this law would result in an infraction punishable by fine. This measure is scheduled to be heard by the Assembly Public Safety Committee on June 14, 2016.

SB 894 (Jackson), which as introduced on January 21, 2016, would require gun owners to report the theft or loss of their firearm to the local law enforcement agency within five days of the time he or she knew that the firearm had been stolen or lost; and to notify the agency within 48 hours if the firearm is subsequently recovered. Additionally, the bill would make it unlawful to report a firearm as stolen or lost, knowing the report to be false. This measure is scheduled to be heard by the Assembly Public Safety Committee on June 14, 2016.

SB 1407 (De Leon), which as amended on May 11, 2016, would require a person who manufactures or assembles a firearm to apply to the State Department of Justice for a unique serial number for identifying purposes. This bill also requires any person who owns a firearm that does not bear a serial number to apply for a unique serial number or other mark of identification. This measure is scheduled to be heard by the Assembly Public Safety Committee on June 14, 2016.

Gun Violence Research

SB 1006 (Wolk), which as amended on April 11, 2016, states the intent of the Legislature to direct the Regents of the University of California to establish the California Firearm Violence Research Center to research firearm-related violence. This measure is scheduled to be heard by the Assembly Higher Education Committee on June 14, 2016.

SJR 20 (Hall), which as amended on March 28, 2016, would urge Congress to lift an existing prohibition on publicly-funded research into how gun violence affects public health. This measure is currently pending hearing by the Assembly Public Safety Committee.

Other Gun Related Legislation

Existing law regulates the transfer and possession of firearms and authorizes the sheriff of a county, or a chief of a municipal police department of a city, to issue a license to carry a concealed firearm upon proof of certain requirements.

AB 1673 (Gipson), which as amended on May 31, 2016, would expand the statutory definition of firearm to include the words "unfinished frames and receivers." Accordingly, this measure would require gun manufacturers, and those crafting firearms at home, to register their firearms as they manufacture them. This measure is scheduled to be heard by the Senate Public Safety Committee on June 14, 2016.

AB 2510 (Linder), which as introduced on February 19, 2016, would require the Attorney General to develop a uniform license that may be used as indicia of proof of licensure to carry a concealed weapon. This measure is scheduled to be heard by the Senate Public Safety Committee on June 21, 2016.

We will continue to keep you advised.

SAH:JJ:MR
PC:IGEA:ma

c: All Department Heads
Legislative Strategist